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10/090,668	03/05/2002	Carolynn Rae Johnson	PU010115	8779

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EXAMINER

BUI, KIEU OANH T

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/090,668	Applicant(s) JOHNSON, CAROLYNN RAE	
	Examiner KIEU-OANH T BUI	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5, 7-8, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis (U.S. Patent No. 5,684,918) in view of Wugofski (U.S. Patent 6,704,028 B2).

Regarding claims 1 and 17, Abecassis discloses an apparatus and its corresponding method “for selectively controlling access to programs, comprising: setting a rating limit corresponding to a first user input; setting an exception to said rating limit corresponding to a second user input; receiving information for identifying a program and for specifying a rating of said program; comparing said rating of said program with said stored rating limit; determining whether an exception to said rating limit has been set for said program identified by said received program identifying information; and controlling access to said program in response to the results of the steps of comparing and determining”, (i.e., in a video delivery system (col. 15/line 59 to col. 16/line 3)), a user interface provides the user to select or choose a viewing preference (Fig. 4A and col. 16/lines 4-24) based on content ratings of the programs or segments of programs according to MPAA ratings (Fig. 1D and col. 7/line 62 to col. 8/line 3) and even more further details on content ratings (as shown in Figs. 1A-1C and col. 10/lines 29-41), the user can set a rating limit as at a first input and then can set an exception to said rating limit, such as

Art Unit: 2611

whether to view an R rated program, and within that program setting an exception that “bloodshed” can be omitted in the user’s viewing of the video (as shown in Fig. 4A, col. 10/lines 29-41, and col. 16/lines 4-16); and the user’s setting is stored as personal profiles such as a parent can modify their children’s profile (Fig. 4D, and col. 17/lines 30-62); each program or each segment has a rating code from the producer (Figs. 1A-1D, and col. 8/line 58 to col. 9/line 30), and the comparison is performed between the producer’s rating codes and the setting (rating content) viewing preferences from the user with the use of a video segment map for providing correct viewing preferences to the user (col. 11/line 27-65).

Abecassis does not clearly show the step of “wherein said exceptions from said rating limits define programs which shall be blocked or enabled independently to said set rating limits”; however, in a same environment of a video delivering system using an EPG program guide, Wugofski teaches that the user can customize setting the rating control limit which defines whether programs with associated contents and time can be blocked, unblocked or enabled independently to the set rating limits, for instance, a rating threshold is used together with the scheduled access, so that some or all program contents can be regarded as some exceptions can be performed independently to the set rating limits (Wugofski, Fig. 6, and col. 6/lines 43-65). For example, as illustrated in Figure 6, current rating threshold can be set as limiting or restricting programs with R, Language and Violence as preset as the threshold rating limit; however, the exceptions here are, programs with other ratings as X, Sexual content and Nudity are exceptions based on the user’s preference; furthermore, even within the rating limit of R, L, and V as noted, the user can set an exception whether to be blocked or enabled independently to the rating limit as whether the scheduled access is required or not, for instance, the time limit

may be for an hour or two hour on a certain day, but the rest of the week are exceptions, which means the user can access or view without limit.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Abecassis' system with Wugolski's teaching technique of setting and controlling the rating limits in order to define programs which shall be blocked or enabled independently to said set rating limits as taught by Wugolski.

As for claim 2, in view of claim 1 above, Abecassis discloses "wherein said information for specifying at least one rating of a program and for identifying said program is received together with said program" (Fig. 1D & Fig. 4A and see claim 1 above).

As for claim 3, in view of claim 1 above, Abecassis discloses "wherein said programs are television programs and wherein said rating limits are used in a parental control system" (col. 6/lines 25-33 for television programming, and Fig. 4D, col. 17/lines 30-62 for parental control addressed).

As for claim 5, in view of claim 3 above, Abecassis inherently discloses "wherein the ratings define the age of the viewer the program is designed for, the degree of a certain program content, or a combination thereof" because categories as "Mom", "Dad", "Teen" and "Child" profiles defines the range of ages of the viewer (Fig. 4D), and the degree of a certain program content (shown in Fig. 4A for level 1 to 4 for "violence" or "profanity").

(Claim 6 was cancelled).

As for claims 7 and 8, in view of claim 1 above, Abecassis discloses "wherein a never block program list specifies certain programs that should never be blocked, even if these programs exceed the rating limits" and "wherein an always block program list specifies certain

Art Unit: 2611

programs that should always be blocked, even if these programs do not exceed the rating limits” (as illustrated in Figs. 4F & 4G, programs can be selected by channels in category as “Movies” or “Sports” and/or can be searched by program titles, which can be set by the content as in Figure 8, which brings back to “content preferences” as shown in Figure 4E, whether to block or not to block it regardless of the rating limits of broadcast programs).

As for claim 15, in further view of claim 1 above, Abecassis discloses “wherein a set exception is valid for any following episode of a program series” (Fig. 4E and col. 10/lines 28-41, the content preference setting is applying to any program or any segment of a program series).

3. Claims 4 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis (U.S. Patent No. 5,684,918) in view of Wugofski as in claim 1 and further in view of Aras et al. (U.S. Patent No. 5,872,588).

Regarding claim 4, in view of claim 2 above, Abecassis and Wugofski do not address “wherein said television programs are received as an analogue television signal and said ratings are received embedded in the vertical blanking interval of said analogue television signal”; however, it is well-known in the art that signals such as rating signals can be embedded in the vertical blanking interval (VBI) of analogue television signal. In fact, Aras teaches that a content rating of a program in the form of AVI (audio-visual identifier) information can be embedded in the VBI of an analogue television signal (Aras, col. 11/line 44 to col. 12/line 4 & col. 25/lines 18-41). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Abecassis and Wugofski’s system with a well-known

Art Unit: 2611

technique as of Aras' as disclosed in order to take advantage of broadcasting analogue television signals carrying content ratings embedded in the VBI as the prior arts conventionally used to do as taught by Aras.

As for claim 16, this claim is a combination of claims 1, 4 and 7-8, with the teaching of embedded information signal containing rating signal in an analogue television signal as taught by Aras, is rejected for the reasons given in the scope of claims 1, 4 and 7-8 as discussed in details above.

4. Claims 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis (U.S. Patent No. 5,684,918) in view of Wugofski as in claim 1 and further in view of Wood et al. (U.S. Pub 2002/0054752 A1).

Regarding claim 9, in further view of claim 1 above, Abecassis and Wugofski do not address "wherein said exceptions are specified by metadata describing said programs like the program title, actor name, director name or topic"; however, in a video data recorder with personal channels using channel guides related to content rating, Wood teaches a same technique of using metadata contains program information as program title, actor name, director name or topic (Wood, page 2/section 0026 and page 3/section 0040). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Abecassis and Wugofski' system with Wood's teaching technique of using metadata contains those information as an additional option for the user to specify whether to include or exclude a certain attribute as described therein.

As for claim 10, in view of claim 9 above, the combination of Abecassis and Wood teaches “wherein said metadata specifying said exceptions are selected by the user from a dedicated list of metadata”, i.e., based on the metadata technique of Wood, the list of exceptions as illustrated by Abecassis (Figs. 4A, 4E, 4F & 4G) can be included the dedicated list of metadata.

As for claim 11, in view of claim 9 above, Abecassis discloses “wherein program titles specifying said exceptions are selected by the user from a displayed EPG program schedule” (Fig. 4G for program titles displaying on EPG program schedule).

As for claim 12, in view of claim 9 above, Abecassis teaches “wherein said metadata specifying said exceptions are selected by marking a currently displayed program” (Fig. 4A) with the teaching of metadata as discussed in claim 9 earlier.

As for claim 13, in view of claim 12 above, Abecassis teaches “wherein the program title of the currently displayed program is stored as exception from said rating limits” (as illustrated in Figs. 4F & 4G, programs can be selected by channels in category as “Movies” or “Sports” and/or can be searched by program titles, which can be set by the content as in Figure 8, which brings back to “content preferences” as shown in Figure 4E, whether to block or not to block it regardless of the rating limits of broadcast programs).

As for claim 14, in view of claim 12 above, the combination of Abecassis and Wood teaches “wherein an overview of metadata describing the currently displayed program is displayed to the user and wherein one or more of said metadata are selected by the user and stored as exceptions from said rating limits” (see claims 1, 7-8, and 9).

Response to Arguments

5. Applicant's arguments filed on 9/30/04 have been fully considered but they are not persuasive. Applicants argue that Wugofski concerns about setting the ratings limits and the scheduled access times and limit the access time, but not "exceptions from said rating limits define programs which shall be blocked or enabled independently to said set ratings limits." However, the examiner studies the present specifications and understands that the so-called "exceptions" which shall be blocked or enabled independently from the applicants also simply referred to or based on the rating limits for a specific television program, and the user have the control of whether to block or unblock it although it is on a rating limit such as R or X or Violence. Then, as illustrated in Figure 6 of Wugofski, the current rating threshold can be set as limiting or restricting programs with R, Language and Violence as preset as the threshold rating limit; however, the exceptions here are, programs with other ratings as X, Sexual content and Nudity are exceptions based on the user's preference; furthermore, (may be arguable by the applicants that the exceptions are within the ratings limits) even within the rating limit of R, L, and V as noted, the user can set an exception whether to be blocked or enabled independently to the ratings limits of all programs containing the same or within the ratings limits as whether the scheduled access is required or not, for instance, the time limit may be for an hour or several hours on a certain day (as shown in Fig. 6), but to the rest of the week are exceptions, which mean that the user can access or view without limit or restriction any program even containing the rating limit at any other time. Clearly, this step is met the issue of "wherein said exceptions from the ratings limits define programs which shall be blocked or enabled independently to said set rating limits" as claimed by claims 1, 16 and 17.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9306, (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant, can be reached on (703) 305-4755.

Art Unit: 2611

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

A handwritten signature in black ink, appearing to read "K. Bui", with a long horizontal line extending to the right.

KRISTA BUI
PATENT EXAMINER

Krista Bui
Art Unit 2611
January 28, 2005